

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	Chapter 7
	§	
ATP OIL & GAS CORPORATION,	§	Case No. 12-36187
	§	
Debtor.	§	

**EMERGENCY MOTION FOR ORDER ESTABLISHING PROTOCOL FOR
DOCUMENT RETENTION BY THE ESTATE AND PROVISION OF PLUGGING
AND ABANDONMENT DOCUMENTS TO REQUESTING PARTIES**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

Rodney D. Tow, the Chapter 7 Trustee ("Trustee") of ATP Oil & Gas Corporation (the "Debtor") in the above-captioned Chapter 7 case (the "Bankruptcy Case") hereby submits this Emergency Motion for Order Establishing Protocol for Document Retention by the Estate and Provision of Plugging and Abandonment Documents to Requesting Parties (the "Motion"). In

support thereof, the Trustee respectfully states as follows:

Jurisdiction and Venue

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference of the United States Bankruptcy Court for the Southern District of Texas. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate for the relief sought herein is § 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 – 1532 (the “Bankruptcy Code”).

Background

2. On August 17, 2012 (the “Petition Date”), the Debtor filed a voluntary petition for relief under the Bankruptcy Code in the United States Bankruptcy Court, Southern District of Texas, Houston Division (the “Court”).

3. On June 26, 2014 (the “Conversion Date”), the Court entered an Order [Dkt. No. 3163] converting the Bankruptcy Case to a case under chapter 7 of the Bankruptcy Code and the United States Trustee appointed Rodney D. Tow as the Chapter 7 Trustee. Since being appointed, the Trustee has proceeded to orderly wind-down the Debtor’s estate.

4. Further, since being appointed, the Trustee has received numerous requests from various parties (“Requesting Parties”) for documents (the “P&A Files”) related to the plugging and abandonment of oil wells on certain oil and gas leases (each a “Field Location”), including but not limited to the documents listed in Exhibits A-1 through A-9 hereto. The Trustee anticipates that further requests for P&A Files will be received in the near future and avers that such requests pose an administrative burden to the bankruptcy estate.

5. The P&A Files are currently stored at Advanced Record Storage (“ARS”), 13885 Westfair East Drive, Houston, Texas 77041.

Relief Requested

6. The Trustee seeks entry of an order, substantially in the form of the proposed order attached to this Motion, establishing certain procedures relating to the retention of P&A Files by the bankruptcy estate and provision of P&A Files to Requesting Parties.

7. These procedures include the following:

- Each Requesting Party shall submit a request for P&A Files using the form (“P&A File Request Form”) attached hereto as Exhibit B.
- The P&A File Request Form shall be submitted by email to the Trustee, counsel to the Trustee, and to the U.S. Department of the Interior at the following email addresses:

rtow@towkoenig.com
crubio@diamondmccarthy.com
aperez@diamondmccarthy.com
Victor.W.Zhao@usdoj.gov

- Within twenty-one (21) days from the date of receipt of the P&A File Request, the Department of the Interior may notify the Trustee and the Requesting Party to (i) proceed with the transfer of the P&A Files to the Requesting Party; (ii) transfer the P&A Files to the Department of the Interior; or (iii) transfer the documents to another entity named by the Department of the Interior.

Basis for Relief

8. Pursuant to § 105(a) of the Bankruptcy Code, “[t]he court may issue any order, process or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. 11 U.S.C. § 105(a). The Chapter 7 estate bears significant administrative costs in storing, maintaining, and retrieving the P&A Files. Approval of certain procedures relating to the P&A Files is in the best interests of the bankruptcy estate, as these procedures will preserve assets that otherwise would be consumed by document storage and retrieval expenses.

Emergency Relief

9. Emergency relief is warranted to minimize the administrative costs in storing, maintaining and retrieving the P&A Files. Furthermore, the relief requested herein has been approved by the Department of the Interior that is the principal regulator that has an interest in the P&A Files.

Conclusion

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially conforming to the proposed order attached hereto and grant such further relief as is just and proper.

Dated: September 5, 2014.

Respectfully submitted,

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COUNSEL TO RODNEY D. TOW,
CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I certify that on September 5, 2014, a true and correct copy of the foregoing document was served by (i) the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas to all parties registered to receive such service; and (ii) transmitted to the parties listed on the attached Master Service List by email pursuant to the Order Establishing Notice Procedures [Dkt.3189].

/s/ Charles M. Rubio